

IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MAURICE A. JACKSON,

Plaintiff,

v.

DONALD GAETZ, et al.,

Defendants.

Case No. 3:10-CV-00221-JPG-PMF

ORDER

This matter comes before the Court on Magistrate Judge Philip M. Frazier's Report and Recommendation ("R & R") (Doc. 44) of 8/22/2011 wherein it was recommended that defendants Drain, Foster, Lockhead, and Phillips' motion for summary judgment (Doc. 41) and memorandum in support (Doc. 42) be granted. After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.*

The Court must review *de novo* the portions of the report to which specific written objections are made. *Id.* "If no objection or only partial objection is made, the district court Judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). After reviewing the Report and Recommendation, the Court finds it to be an accurate statement of the law as applied to Maurice Jackson. Examining all of the evidence

in the light most favorable to the plaintiff, Jackson has failed to establish sufficient facts to withstand a motion for summary judgment.

Accordingly, the Court hereby **ADOPTS** the R & R (Doc.44) **in its entirety**, whereby the Court **GRANTS** the defendants' Motion for Summary Judgment (Doc. 41).

The Court directs the Clerk of Court to enter judgment for the defendants.

IT IS SO ORDERED.

DATED: September 20, 2011.

s./ J. Phil Gilbert
J. PHIL GILBERT
District Judge